IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 21530 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? **-No.**

2 To be referred to the Reporter or not ? **-No.**

3 Whether their Lordships wish to see the fair copy of the judgment ? **-No.**

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? **-No.**

5 Whether it is to be circulated to the civil judge ? **-No.**

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ISWARBHAI KANJIBHAI CHUNARA - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MS SUBHADRA G PATEL for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 21/12/2005

ORAL JUDGMENT

1.The learned advocate for the petitioner has stated that this is also a case of co-detenu namely Ishwarbhai Kamaji Chunara in Special Civil Application No.21496 of 2005. The petitioner-detenu has filed has filed this

habeas corpus petition under Article 226 of the Constitution of India challenging the order of detention dated 5/10/2005 passed by the Police Commissioner, Ahmedabad under the provisions of PASA Act. Petition was filed on 17/10/2005. On 24/10/2005, this Court (Coram:A.S.Dave, J.) has issued rule which was returnable after four weeks. On behalf of respondent, Mr.L.R.Pujari, learned APP appears, therefore, with consent of parties, matter has been reached for final disposal to this Court.

2. Special Civil Application No.21496 of 2005 is allowed today i.e. on 21/12/2005. Therefore, in view of the reasons stated in Special Application No.21496 of 2005, this petition is also required to be allowed.

3. In the result, petition is allowed. I hereby quash and set aside the order of detention. Ishwarbhai Kamaji Chunara, detenu is ordered to be set at liberty forthwith if he is not required in connection with any other case. Rule is made absolute accordingly with no order as to cost. Direct service is permitted.

(K.M.MEHTA, J.)

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